

**ENVIRONMENTAL PROTECTION COMMISSION
GENERAL MEETING/PUBLIC HEARING
MINUTES
August 2, 2006**

Wednesday, August 2, 2006 7:30 p.m. Room 206
Town Hall

Chairman Hillman called the meeting to order at 7:30 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Craig Flaherty, Reese Hutchison, Ellen Kirby, Pete Kenyon, and Ned Lewis.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Minutes of March 22, 2006

The Commission discussed corrections and changes to the minutes. A motion was made by Mr. Kenyon to approve the minutes as amended and seconded by Ms. Cameron. The motion passed unanimously.

Minutes of April 19, 2006

The Commission discussed corrections and changes to the minutes. A motion was made by Mr. Hutchison to approve the minutes as amended and seconded by Mr. Lewis. The motion passed unanimously.

Mr. Hillman read the next agenda item.

Discussion regarding the Darien High School Project erosion and sediment controls, EPC-49-2001, 80 High School Lane.

Peter Maglathlin, Chairman of the DHS Building Committee, spoke to the Commission. He said he had received the sternly worded letter from Mr. Jacobson which expressed the Commission's dismay with the E&S controls. He said there is no excuse for the problems but he informed the commission that the Building Committee had not been receiving Joe Canas's reports. He has been visiting the site personally and the area within the loop road has hydroseeded. Sodding is underway and is expected to be complete in two weeks. The synthetic turf field will be in place in early to mid September.

Ms. Cameron said the site looks good at this time. Mr. McLaughlin said the improvements are largely due to the new supervisor on the project.

Mr. Hillman asked Mrs. Russell if she has noticed the extent of the work which has been done to stabilize the site.

ENVIRONMENTAL PROTECTION COMMISSION
AUGUST 2, 2006 MEETING
MEETING MINUTES
Page 2 of 9

Mrs. Russell said the site has been much improved in the last six months. The July 11 storm created some mud runoff. She asked when the gully on the east side of the loop road would be stabilized. Mr. Maglathlin said that area is being maintained as a sediment trap with haybales and that the sodding and hydroseeding will reduce the sediment runoff to the haybales.

Mrs. Russell said the damage to Stony Brook has already been done. Mr. Hillman said the Town has been paying money to contractors who have not been performing. The Commission has been frustrated with the project and has been attempting to correct the problems. The Commission will continue to keep a close eye on the project.

Mr. Hutchison asked what the Commission can do to help with the contractor. Mr. Maglathlin said they should have gotten a new supervisor sooner. The project slowed down by changes to the plan which left the site exposed too long. The letter from the Commission got the Committee's attention and corrections were made.

Mr. Hutchison asked if the Committee should report to the Commission every quarter. Mr. Maglathlin agreed with this suggestion. He also said the Building Committee underestimated the problems with the loop road and the amount of fill required.

Mr. Hillman asked if there were any comments from the public.

Richard Windels discussed his pond dredging projects which have been impacted by construction projects which have not used good erosion controls. The delay and exposed soil create erosion problems. The sediment remains in the watercourses until it is removed.

Mr. Hillman asked if the Commission should attempt to get Stony Brook dredged. Ms. Cameron said there are sediment sources other than the high school. Mr. Flaherty said any construction in the watershed along with road sand will have a cumulative impact.

Mr. Hillman suggested the Commission lobby the Town to dredge the brook rather than point fingers and lay blame. He asked Mr. Windels for suggestions on how dredging might be done. Mr. Windels suggested using "Guzzler". Disposal of the material is a problem if it contains road sand.

Mr. Hillman asked Mrs. Russell what part of Stony Brook should be dredged. Mrs. Russell said the area affected by runoff from the high school is from the High School Lane Bridge all the way to Middlesex Road and across. She said flooding is worse since the H.S. was built. She asked for an independent engineer to review the problem. She believes that the lack of E&S controls for the last 3 years has caused the stream to silt in and has made flooding worse. She said she disagrees with Ms. Cameron's memo to the Commission regarding the cause of the flooding.

ENVIRONMENTAL PROTECTION COMMISSION
AUGUST 2, 2006 MEETING
MEETING MINUTES
Page 3 of 9

Ms. Cameron said that some sediment from a construction site has to be accepted because the controls are not designed for severe storms. She said it was her opinion that the bulk of the water flowing to the brook was coming from the north.

Mr. Hillman asked Mr. Windels to meet with Mrs. Russell and provide an opinion on the cost of removing the sediment. This item will be continued to the September 6 meeting.

Old Business:

Mr. Hillman read the next agenda item.

EPC-37-2006 Douglas Webster, 22 Holly Lane, proposing a terrace and landscaping within the upland review area.

Mr. Webster represented himself. He said Sarah McCool prepared a planting plan to return an area of lawn to wetlands.

Sara McCool submitted a planting plan for an area of wetland which is currently lawn and is adjacent to the natural wetland in the front lawn. She said the area to be enhanced is approximately 10 times larger than the additional 72 square feet of terrace area which is proposed to expand into an area which is currently lawn.

Mr. Lewis made a motion to approve the application with the proposed planting which was seconded by Ms. Cameron. The motion passed 6-0 with Mr. Kenyon abstaining.

Mr. Kenyon asked if the area could be designated wetlands. Ms. McCool said it already is based on the survey previously submitted which has been updated on the Town wetland map.

Mr. Hillman read the next agenda item.

EPC-44-2006 Preston Carnes, Jr. 4 Halter Lane, proposing landscaping and drainage improvements within the upland review area.

Mr. Carnes represented himself. He said Mr. Martucci provided a report to answer questions about the impact of the proposed swale on the wetland hydrology and the downstream watershed.

Ms. Cameron asked if the work was already done. Mr. Carnes answered that the work done was part of the first phase which is outside the wetland and upland review area. This work was approved by the DPW to correct the flooding condition across the road. The proposed work will tie into the new swale and pipe system. Mr. Flaherty said he was satisfied with Mr. Martucci's answers to his questions.

ENVIRONMENTAL PROTECTION COMMISSION
AUGUST 2, 2006 MEETING
MEETING MINUTES
Page 4 of 9

Mr. Flaherty made a motion to approve the application. The motion was seconded by Mr. Kenyon and passed unanimously.

Mr. Hillman read the next agenda item.

EPC-50-2006, Joanne Nielsen, 34 Delafield Island Road, proposing to dredge Nielsen's Pond.

Richard Windels represented the applicant. He said he met with Mr. Palladino, the septic engineer, and field located the septic system. He said the area will be isolated from the work area. Mr. Palladino was mostly concerned with keeping heavy equipment off the septic area which will be avoided.

Mr. Hillman said he did not feel a bond is necessary because the pond is entirely contained on private property and not connected to other water bodies.

Mr. Hillman made a motion to approve the application. Mr. Flaherty seconded the motion with a stipulation that Vince Proto respond to Mr. Palladino's letter. The motion as amended passed unanimously.

New Business:

EPC-56-2006 Charles Parker and Jennifer Keef Parker, 84 Camp Avenue, proposing to complete restoration of a cleared wetland area.

The Commission scheduled this application for a public hearing on September 6, 2006.

The following new business items were continued until September 6, 2006.

EPC-51-2006 Anne Huck, 90 Inwood Road, proposing to dredge a 0.1 acre pond and related temporary disturbance within the upland review area.

EPC-52-2006 Charles Ziga, 5 Overbrook Lane, proposing to replace an existing deck with a patio, and repair and replace drainage pipes and related structures within the upland review area.

EPC-53-2006 Thomas and Debra Ritchie, 16 Stony Brook Road South, proposing to enlarge an existing patio within the upland review area.

EPC-54-2006 William Corcoran Jr., 327 Middlesex Road, proposing to construct a garage addition within the upland review area.

EPC-55-2006 Yung Ho and Young Ai Choi, 700 Hollow Tree Ridge Road, proposing to construct a garage addition within the upland review area.

ENVIRONMENTAL PROTECTION COMMISSION
AUGUST 2, 2006 MEETING
MEETING MINUTES
Page 5 of 9

Ms. Cameron asked that the tree to be removed be shown on the plan.

EPC-57-2006 Lisa Pendro, 39 Old Farm Road, proposing construction of house additions and related construction within the upland review area.

EPC-81-2004 Paul Saitta, 16 Arrowhead Way requesting 50% bond release.

Public hearings:

Mr. Hillman opened the public hearing and read the first item at 8:35.

EPC-46-2006, Darien Board of Education, 80 High School Lane, proposing to convert a natural turf baseball field to a synthetic turf field within the upland review area.

Paul Engemann, Director of Facilities and Construction for the Board of Education, represented the applicant. He referenced the presentation made at the last hearing and the additional information and questions brought up by the Commission. He said Terry Gallagher from Tighe & Bond was available in Joe Canas's absence to answer questions.

Mr. Kenyon asked if the engineer had provided a map of the adjacent properties and their wetlands and watercourses in relation to the high school property. Mr. Gallagher showed the overall watershed map and Map C-1 which shows the wetlands immediately adjacent to the proposed field but said they did not have a map showing the adjacent properties.

Mr. Gallagher discussed the items in the letter to the Commission from Joe Canas dated July 24, 2006. The changes in the field plans include grading to make the field flat. The HEC -1 model was changed to reflect an increase in storage with the stone void space beneath the field. The chart with existing versus proposed conditions show a decrease in peak runoff rates for all storms 2-100 years in frequency after construction of the artificial field.

Mr. Hillman asked Mr. Gallagher if, in his expert opinion, the proposed drainage will be less than if the existing natural field were fixed. Mr. Gallagher answered yes because of the proposed storage under the field.

Paul Voight stated that the runoff water will not be as clean if the field is natural because of fertilizer and pesticide use.

Mr. Flaherty explained that with a natural grass field a percentage of the rainfall will infiltrate into the ground. With a synthetic turf field 100% of the water infiltrates and, because the sub-grade is compacted, there is no infiltration into the ground. The proposed stone storage is designed to mitigate for this potential increase in runoff.

ENVIRONMENTAL PROTECTION COMMISSION
AUGUST 2, 2006 MEETING
MEETING MINUTES
Page 6 of 9

Ms. Cameron asked about previous testimony from the engineer during the high school public hearing that it is important to get water off the site quickly before the peak of the storm. Mr. Gallagher said that would be the case when a site is in the lower part of the watershed. The proposal for the new field will allow storage and a small amount of recharge with a metered overflow which will be released so as not to coincide with the peak flows in Stony Brook.

Ms. Cameron asked about the existing underdrain which flows during storms and discharges to the wetland. Mr. Gallagher said the outlet will be plugged and some of the underdrain system will be re-routed to the new system.

Mr. Hillman asked about the time frame for construction. There is a concern with avoiding long term exposure of the soil. Mr. Engemann said the estimated time for construction is 6-8 weeks.

Mr. Flaherty asked if that time frame accounts for the additional earthwork proposed to lower the field since the new proposal for a flat field includes additional excavation. Mr. Engemann said the estimated time includes earthwork.

Mr. Flaherty asked how much lower the existing grade is proposed to be. Mr. Gallagher said an additional three foot cut is proposed along the left field line.

Mr. Lewis asked if the contract will require the CT E&S Guidelines. Mr. Engemann answered that the specifications will include the guidelines. Mr. Flaherty suggested that the contract include reasonable contingency fees for E&S controls.

Ms. Kirby asked if Mr. Canas would continue to submit monthly reports on this project. Mr. Hillman said that reports could be made part of any stipulations if the Commission approves the project.

Mr. Flaherty asked if the size of the field is approximately three acres. Mr. Gallagher said it was. Mr. Flaherty said the size of the sediment trap appeared small and would like verification that it was sized according to the guidelines.

Mr. Kenyon referred to a letter from Mrs. Leger regarding the safety of the field. Mr. Engemann answered that this is a new much safer type of field than the original Astroturf. He said the Board of Education has looked at safety issues. Mr. Kenyon asked about the cost to the taxpayer. Mr. Engemann said that has not been determined yet.

Mr. Hillman opened the hearing to the public for comments.

Mr. Raleigh of 369 Middlesex Road spoke regarding the wooded wetlands adjacent to the school which have been retaining a lot of water. He said there were wetlands filled in to build the original high school. A storm water basin was designed to prevent flooding 25 years ago. He said this basin has not been maintained and is overwhelmed in storms. He

ENVIRONMENTAL PROTECTION COMMISSION
AUGUST 2, 2006 MEETING
MEETING MINUTES
Page 7 of 9

is concerned about a single 10" pipe discharging water more quickly into the wetland and increasing the flows to downstream neighbors.

Mr. Gallagher said that the flow from the 10" pipe is 11 c.f.s. in a 100 year storm which is a reduction in flow. He described the storage area as a large bathtub filled with stone which has storage capacity in the voids.

Ms. Cameron asked if there would be a benefit to have two discharge points to the wetlands, similar to the design of the Tokeneke School drainage. Mr. Gallagher said the design intent was to minimize impacts to the wetlands.

Mr. Flaherty said that the design of the 10" pipe is a mechanism to hold back water. Multiple outlets could increase the amount of flow. It may be appropriate to direct an emergency overflow to the existing basin.

The Commission requested that Mr. Canas address the question of whether the flow from the existing drain was considered in the design and also the alternative of a second discharge point for the outlet.

Mr. van der Kieft of 75 Hansen Road discussed the concerns he had in a letter he sent to the Commission. He asked if there will possibly be a back up of flow toward Hansen Lane and questioned whether the new field will actually have a slower runoff rate. Mr. Engemann showed Mr. van der Kieft the sample of the synthetic field which allows all of the rainwater to infiltrate into the stone below.

Mr. Mayhew of Holly Lane asked about a ravine adjacent to the Holly Lane properties and questioned whether it was newly constructed and where the flow within it goes. Ms. Cameron said the ravine has always been there since the high school was built and that it is not heavily eroded. The flow is to Stony Brook.

Mr. Mayhew asked about the high water table in the area and how that reconciles with the proposed plan. Mr. Flaherty requested that the applicant address this issue in light of the addition cut proposed to create a level field.

Mrs. Lockhart of 11 High School Lane questioned the stormwater flow from the new road and asked where it goes. Ms. Cameron said the Department of Public Works can answer the question.

Mrs. Russell, 18 Holly Lane submitted a letter dated July 31, 2006 and read it into the record. The letter signed by Mr. and Mrs. Russell expressed concerns about the drainage and requested the Commission deny the application. Mr. Hutchison said the Commission is being asked to weigh the environmental pros and cons including such things as the use of pesticides and fertilizers on a natural grass field. He asked if the explanations provided had helped satisfy their concerns.

ENVIRONMENTAL PROTECTION COMMISSION
AUGUST 2, 2006 MEETING
MEETING MINUTES
Page 8 of 9

Mr. Russell said that although the plan sounded better and independent review should be made. Mr. Hutchison said that one member of the Commission is an expert and that all of the members by their questions are providing a thorough examination. Mr. Hillman stated that all of the expert opinions are probative but that all of the evidence is not in yet. Mr. Lockhart of 11 High School Lane asked Mr. Flaherty his opinion about the discharge point to the wetlands which he feels will dump a huge quantity of water. Mr. Flaherty responded that the filling in of wetlands which was done previously would not be permitted today and that there is an existing discharge to the wetland in that location. The applicant should address the velocity of the discharge to the existing outlet for stabilization, but the ponding of water in the wetland is part of their function.

The Commission requested the applicant address the questions raised in the hearing and provide additional information. Mr. Kenyon requested that a site map expanded to include adjacent properties be provided for proper geographic perspective. At this time the Commission asked the applicant to grant an extension of the public hearing period until August 24, 2006. Mr. Engemann said the applicant would allow the extension and the hearing was continued until August 24 at 7:30 p.m.

Mr. Hillman read the next hearing item:

EPC-47-2006, James and Margaret Batson, 26 Old Oak Road, proposing demolition of an existing residence and construction of a new residence within the upland review area.

Mr. Hillman recused himself on this application. Acting Chairman, Mr. Hutchison opened the hearing and continued it until August 24, 2006 AT 7:30 p.m.

Mr. Hillman read the next hearing item:

EPC-48-2006, Wee Burn Country Club, 410 Hollow Tree Ridge Road, proposing restoration and alteration of watercourses and restoration of upland review areas and related grading activities.

Mr. Hillman opened the hearing and continued it until August 24, 2006 at 7:30 p.m.

Mr. Hillman read the next hearing item:

EPC-49-2006, Kent and Lisa Eppley, 20 Driftway Lane, proposing to construct a two bay garage within the upland review area.

Mr. Hillman opened the hearing and continued it until August 24, 2006 at 7:30 p.m.

A motion was made to close the public hearing by Mr. Kenyon and seconded by Mr. Lewis. The public hearing was closed at 10:35 p.m.

ENVIRONMENTAL PROTECTION COMMISSION
AUGUST 2, 2006 MEETING
MEETING MINUTES
Page 9 of 9

The Commission had a general discussion about amending the regulations. Mr. Jacobson will look into a separate amendment to include Tokeneke Brook and Stony Brook in the named watercourses.

Mr. Hillman noted correspondence from Mrs. Stefanoni regarding the fees for reviewing her project at 77 Nearwater Lane. It was the consensus of the Commission that the policy regarding the applicant paying the Town's consultants remains in effect.

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer